

CUSTOMER NO. 46900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Cannon 112-102

In re application of: Joseph M. Cannon et al.

Serial No.: 09/777,889

Group Art Unit: 2687

Filed: 2/7/01

Examiner: Nguyen, Khai Minh

Matter No.: 992.1206

Phone No.: 571-272-7923

For: Cordless Telephone Active-Call Enabled Intercom

**SECOND RENEWED PETITION UNDER
37 CFR § 1.137(b) FOR REVIVAL OF ABANDONED APPLICATION**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on Petition mailed 6/17/08, the Applicant files this Second Renewed Petition for Revival of Abandoned Application under 37 CFR § 1.137(b). A Response Under 37 CFR 1.114, which is responsive to the 6/6/06 advisory action and a Request for Continued Examination (RCE) are being filed herewith.

The Applicant respectfully requests reconsideration of the Petition Under 37 CFR § 1.137(b) for Revival of Abandoned Application, filed on 10/5/07. The Applicant submits that the abandonment of the above-referenced patent application was unintentional, and that at no time did the Applicant ever intend to abandon this application.

The petition fee, as set forth in 37 CFR § 1.17(m), has already been paid.

In support of this Renewed Petition, the Applicant states as follows:

On 3/9/06, the Examiner issued a Final Office Action. In response, the Applicant filed an Amendment on 5/9/06. The Examiner issued an Advisory Action on 6/6/06. On 6/20/06, the Examiner and his Supervisor held an Interview with the Applicant's attorney Kevin Drucker. In the Interview, the Examiner and his Supervisor said they would vacate the pending Final Office Action and issue a new action. To confirm this, on 6/28/06, the Examiner and his Supervisor mailed an Interview Summary stating, "In accordance with the discussion with applicant's representative, Kevin Drucker, the previous final office action is vacated and a new office action will be issued."

However, the Examiner never issued any new office action. Instead, on 4/5/07, the Examiner issued a Notice of Abandonment, alleging that no reply was received in response to the 6/6/06 Advisory Action.

On 4/13/07, in response to the Notice of Abandonment mailed on 4/5/07, the Applicant filed a Petition to Withdraw the Improper Holding of Abandonment for the above-referenced patent application. The basis for the Petition to Withdraw the Improper Holding of Abandonment was that the Examiner improperly held this application abandoned because the Examiner and his Supervisor had vacated the Final Office Action and said they would be issuing a new office action, and no new office action was ever issued.

On 7/18/07, the USPTO denied the Petition to Withdraw the Improper Holding of Abandonment because "the supervisor was without the authority to withdraw the finality of the Office action on June 16, 2006 as the statutory period had expired and the application was no longer pending without the necessary extension of time. The Office sincerely regrets that this insufficiency was not brought to the attention of applicant's representative at the time of the interview."

On 10/5/07, the Applicant filed a Petition Under 37 CFR §1.137(b) for Revival of Abandoned Application.

In the Decision on Petition mailed 6/17/08, the Office of Petitions dismissed the Petition Under 37 CFR §1.137(b) for Revival of Abandoned Application filed on 10/5/06 because no reply to the 6/6/06 advisory action had ever been filed. The Office of Petitions stated that this application would remain abandoned until a response to the advisory action was filed and recommended that the Applicant file a request for reconsideration, together with a response to the advisory action.

Therefore, a Renewed Petition Under 37 CFR §1.137(b) for Revival of Abandoned Application was filed on 8/27/08, along with a request for reconsideration in response to the 6/6/06 advisory action, to permit the entry of this response and the continued examination of this application. However, a Decision on this Renewed Petition was mailed by the USPTO on 12/2/09, indicating that the request for reconsideration did not place the application in condition for allowance and therefore must be filed with a Request for Continued Examination in order to revive the application.

Accordingly, the Applicant now respectfully files this Second Renewed Petition Under 37 CFR §1.137(b) for Revival of Abandoned Application, along with a Request for Continued Examination, so that the application can be revived, and prosecution can continue.

In view of the foregoing, the Applicant requests that this Second Renewed Petition be granted, that this application be revived, and that a new office action or notice of allowance be issued.

Respectfully submitted,

Date: December 9, 2009
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